



801 Capitol Mall • Sacramento, California 95814

CALIFORNIA STATE PERSONNEL BOARD MEETING
801 Capitol Mall
Sacramento, California

www.spb.ca.gov

Public Session Location - Room 150
Closed Session Location - Room 141

MID-MONTH BOARD MEETING MINUTES

SEPTEMBER 18, 2001

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

1. ROLL CALL

BOARD MEMBERS PRESENT:

Ron Alvarado, President
William Elkins, Vice President (Via telephone)
Florence Bos, Member (Via telephone)
Richard Carpenter, Member
(All voting by roll call due to telephone participation.)

2. REPORT OF THE EXECUTIVE OFFICER - Walter Vaughn

The Board was advised of the following:

- A. The State Personnel Board's budget change proposals for the next fiscal year have been submitted to the Department of Finance by State and Consumer Services Agency.
- B. The Department of Personnel Administration and a number of unions have reached bargained agreements. The specific terms of the agreements are not yet available.
- C. The State Personnel Board has been asked to Chair the International Personnel Management Associations Awards committee.

3. REPORT OF THE CHIEF COUNSEL - Elise Rose

Staff Counsel Bruce Monfross reporting for Chief Counsel on:

- A. A Petition for Writ of Mandate has been filed in the Superior Court by Merced County concerning the Board's precedential decision in Tina Gabriault (2001) SPB Dec. No. 01-03.
- B. Appellant Paulino Caunin has filed an appeal from the San Diego County Superior Court's decision upholding the Board's decision in Caunin v. SPB/CDC.
- C. The Fair Political Practices Commission is conducting an Ethics Officer Seminar on September 21, 2001. Staff Counsel Elizabeth Stein is scheduled to attend on behalf of the Board.

4. REPORT ON LEGISLATION - Judy Balmain

The Board was advised of the following:

- A. AB 619 (Wayne) - Requires that a state employee appointed to any state scientist class on or after January 1, 2001, at a minimum, have a 4-year degree in a scientific discipline. The author has made this a 2-year bill, it is on the Senate inactive file. The Board will hold a hearing and is scheduled for the Board's November meeting to give all parties the opportunity to participate in presentations to the Board.
- B. AB 647 (Horton) - Enrolled, would permit community college employees and applicants for community college employment to file whistleblower retaliation complaints with the State Personnel Board, as opposed to local law enforcement agencies. The bill was amended to make it a reimbursable program.
- C. SB 413 (Speier) - Enrolled, would provide increased protection to state employees who report improper government activities. Would clean up conflicting and/or confusing provisions and will provide a mechanism to make it easier to hold individuals accountable for engaging in improper governmental activities.

- D. SB 1161 (Polanco) - Two-year bill, Assembly Appropriations Committee. Would implement several of the recommendations from the diversity task-force "Report to the Governor on Outreach Options." Among other things, would establish a state policy on dissemination of examinations and employment information.
- E. The Governor has announced his intent to call a Third Extraordinary Session which would begin in approximately two weeks regarding the California Edison bankruptcy issue.

BOARD ACTIONS

5. STATE PERSONNEL BOARD SUMMARY MINUTES OF SEPTEMBER 6-7, 2001

ACTION: Adopted on September 18, 2001.

VOTE: Alvarado, Elkins, Bos, Carpenter - Aye.

6. ADMINISTRATIVE LAW JUDGE CASES

On September 18, 2001, the Board adopted the following decisions presented by Staff Counsel Bruce Monfross for Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Alvarado, Elkins, Bos, Carpenter - Aye.

PROPOSED DECISIONS

DELIA B. REESE, CASE NO. 01-1590
Appeal from ten-percent reduction
in salary for ten months
Medical Technical Assistant
San Diego, Correctional Facility
Department of Corrections

ACTION: Ten-percent reduction modified to a five-percent salary for ten months

DANA LaMON, CASE NO. 99-4730
Appeal from 30 days suspension
Administrative Law Judge
Department of Social Services

ACTION: Five-percent reduction in salary for twelve months revoked

JANICE HALL, CASE NO. 01-0250

Appeal from demotion
Accounting Administrator I, Supervisor,
to Senior Accounting Officer, Specialist
Department of Transportation

ACTION: Demotion of Accounting Administrator I, Supervisor
to a Senior Accounting Officer, Specialist modified to a ten
working days suspension

RICKEY ALLEN, CASE NO. 01-0199

Appeal from dismissal
Groundskeeper

California Science Center

ACTION: Administrative Law Judge's proposed decision
rejected by Board. Board to decide case itself

MARK A. SAMS, CASE NO. 01-0987

Appeal from five-percent reduction
of salary for nine months
Youth Correctional Counselor

Department of the Youth Authority

ACTION: Five-percent reduction of salary for nine months
revoked

CHARISMA R. MILLORA, CASE NO. 01-1580

Appeal from dismissal
Psychiatric Technician Assistant
Developmental Center

ACTION: Dismissal sustained

KIRK SNOW, CASE NO. 00-3631

Appeal from dismissal
Tree Maintenance Worker
Department of Transportation

ACTION: Dismissal sustained

MIKE BRADLEY, CASE NO. 00-4223

Appeal from 10 working days suspension
Officer

Department of California Highway Patrol

ACTION: 10 working days suspension sustained

JOHN CLARK, CASE NO. 00-4259E

Appeal from denial of request
for reasonable accommodation
Susanville, State Prison

Department of Corrections

ACTION: Denial of request for reasonable accommodation
dismissed as moot

EVELYN YOUNG, CASE NO. 00-3016
Appeal from 15 working days suspension
Department of Aging
ACTION: 15 working days suspension sustained

PETITIONS FOR REHEARING

STEPHEN O'BARR, CASE NO. 00-2565P
Appeal from official reprimand
Physician and Surgeon
Susanville, Correctional Center
Department of Corrections
ACTION: Petition for rehearing filed by Appellant denied

ESTEVAN R. FERNANDEZ, CASE NO. 00-2534
Appeal from suspension for one pay period
Fire Captain
Appeal Demotion from the position of Fire Captain to
Fire Fighter II
Department of Forestry and Fire Protection
ACTION: Petition for rehearing filed by Appellant denied

SHARON WERTH, CASE NO. 00-3556
Appeal from rejection during
probationary period
Senior Psychiatric Technician
Sonoma Developmental Center
Department of Developmental Services at Eldridge
ACTION: Petition for rehearing filed by Appellant denied

SANDRA JOHNSON, CASE NO. 99-1256B
Appeal for determination of back salary
and benefits
Associate Warden
Wasco, State Prison
Department of Corrections
ACTION: Petition for rehearing filed by Appellant denied

7. RESOLUTION RE NOTICE OF GOVERNMENT CODE SECTION 18671.1
EXTENSION.

See pages 16-19

8. WITHHOLD APPEALS

On September 18, 2001, the Board adopted the following decisions presented by Walter Vaughn, Assistant Executive Officer, California State Personnel Board.

VOTE: Alvarado, Elkins, Bos, Carpenter - Aye.

TAWFIC K. RASHID, CASE NO. 00-3218
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

FRANK GRIMES, CASE NO. 00-4277
Classification: Motor Vehicle Field Rep
Department of Motor Vehicles
ACTION: GRANTED

BONNIE FASSLER, CASE NO. 01-0298
Classification: Motor Vehicle Field Rep
Department of Motor Vehicles
ACTION: GRANTED

LAKEISHA JOHNSON, CASE NO. 01-0082
Classification: Motor Vehicle Field Rep
Department of Motor Vehicles
ACTION: GRANTED

JEANNETTE NELSON, CASE NO. 01-0342
Classification: Motor Vehicle Field Rep
Department of Motor Vehicles
ACTION: GRANTED

TRAVIS PHILMLEE, CASE NO. 01-0517
Classification: Motor Vehicle Field Rep
Department of Motor Vehicles
ACTION: GRANTED

LOUIS WILLIAMS, CASE NO. 01-0349
Classification: Motor Vehicle Field Rep
Department of Motor Vehicles
ACTION: GRANTED

DEANTE PIGGEE, CASE NO. 01-0724
Classification: Motor Vehicle Field Rep
Department of Motor Vehicles
ACTION: GRANTED

SANDRA NESBIT, CASE NO. 01-0840
Classification: Motor Vehicle Field Rep
Department of Motor Vehicles
ACTION: GRANTED

JOELLE DAVI, CASE NO. 01-0703
Classification: Motor Vehicle Field Rep
Department of Motor Vehicles
ACTION: GRANTED

STEPHANIE SMITH, CASE NO. 01-0847
Classification: Motor Vehicle Field Rep
Department of Motor Vehicles
ACTION: GRANTED

MIKE CARNEY, CASE NO. 00-4310
Classification: Correctional Officer
Department of Corrections
ACTION: WITHDRAWN

TED BANADYGA, CASE NO. 01-0367
Classification: Correctional Officer
Department of Corrections
ACTION: WITHDRAWN

ALLEN BORN, JR., CASE NO. 01-0292
Classification: Cadet, CHP
California Highway Patrol
ACTION: GRANTED

ROXANNE NEIL, CASE NO. 00-3681
Classification: Cadet, CHP
California Highway Patrol
ACTION: GRANTED

JASWINDER S. GREWAL, CASE NO. 00-4278
Classification: Correctional Officer
Department of Corrections
ACTION: GRANTED

ROBERT G. SMITH, JR., CASE NO. 00-4208
Classification: Correctional Officer
Department of Corrections
ACTION: GRANTED

PHILLIP HIGGINS, CASE NO. 01-0280
Classification: Cadet, CHP
California Highway Patrol
ACTION: WITHDRAWN

BRIAN FRIEL, CASE NO. 01-0514
Classification: Cadet, CHP
California Highway Patrol
ACTION: GRANTED

JAIME LIZARRAGA, CASE NO. 01-0290
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

REBECCA BRAUN, CASE NO. 01-0009
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

HEATHER M. HOMAN, CASE NO. 01-0015
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

KEVIN SMITH, CASE NO. 01-0074
Classification: Correctional Officer
Department of Corrections
ACTION: GRANTED

JOSE ALCORTA, CASE NO. 01-0019
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

DARRELL KING, CASE NO. 01-0424
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

PRITPAL AUJLA, CASE NO. 01-0340
Classification: Cadet, CHP
California Highway Patrol
ACTION: DENIED

THOMAS J. LAKIA, CASE NO. 01-0004
Classification: Cadet, CHP
California Highway Patrol
ACTION: DENIED

THOMAS BENSON, CASE NO. 01-1291
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

CHARLES RICE, CASE NO. 01-0076
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

JAMES CLARK, CASE NO. 01-1306
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

MYREL RUSSELL, CASE NO. 01-0079
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

LARS CHRISTIANSEN, CASE NO. 01-0078
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

SUSAN GARCIA, CASE NO. 01-1304
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

YOLAND GRIFFITH, CASE NO. 01-0300
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

SUSAN CAMPBELL, CASE NO. 00-4175
Classification: Youth Correctional Officer
Department of the Youth Authority
ACTION: DENIED

JULIE SACCO, CASE NO. 00-4174
Classification: Cadet, CHP
California Highway Patrol
ACTION: DENIED

HOWARD F. SMITH, CASE NO. 01-0016
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

OMAR VILLACORTA, CASE NO. 01-0331
Classification: Cadet, CHP
California Highway Patrol
ACTION: DENIED

ROBERT BORBON, CASE NO. 01-0080
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

RAUL MARTINEZ, CASE NO. 01-0239
Classification: Parole Agent I, Adult Parole
Department of Corrections
ACTION: DENIED

WILLIAM LANDIS, CASE NO. 01-0294
Classification: Cadet, CHP
California Highway Patrol
ACTION: DENIED

JOE SALCIDO, CASE NO. 00-3617
Classification: Correctional Officer
Department of Corrections
ACTION: WITHDRAWN

STEVEN LINDHORST, CASE NO. 00-4179
Classification: Medical Tech Asst, CF
Department of Corrections
ACTION: DISMISSED

9. MEDICAL APPEALS

On September 18, 2001, the Board adopted the following decisions presented by Walter Vaughn, Assistant Executive Officer, California State Personnel Board.
VOTE: Alvarado, Elkins, Bos, Carpenter - Aye.

MARTIN GOLDADE, CASE NO. 01-0001
Classification: Commercial Vehicle Inspection Specialist I
California Highway Patrol
ACTION: GRANTED

STEPHEN T. SMITH, CASE NO. 00-2268
Classification: State Park Ranger Cadet
Parks and Recreation
ACTION: DENIED

SERGIO GALLARDO, CASE NO. 01-0289
Classification: Youth Correctional Officer
State Personnel Board
ACTION: DENIED

10. EXAMINATION APPEALS
MINIMUM QUALIFICATIONS
MERIT ISSUE COMPLAINTS

On September 18, 2001, the Board adopted the following decisions presented by Walter Vaughn, Assistant Executive Officer, California State Personnel Board.

VOTE: Alvarado, Elkins, Bos, Carpenter - Aye.

(Examinations)

WILLIAM O. YATES, JR., CASE NO. 99-1674
Classification: Air Resources Sup II
Air Resources Board
ACTION: WITHDRAWN

JON WROTEN, CASE NO. 01-0500
Classification: Associate Governmental
Program Analyst
Public Employees Retirement System
ACTION: GRANTED

(Minimum Qualification)

TERESA TAYLOR, CASE NO. 00-3873
Classification: Nurse Consultant III, Spec.
Department of Health Services
ACTION: DENIED

(Merit Issue Complaints)

STEPHANIE SEYMORE, CASE NO. 00-1173
Classification: Staff Services Analyst (G)
Office of Emergency Services
ACTION: GRANTED

JOLENE EVELAND, CASE NO. 00-3143
Classification: Criminal Justice Spec I
Office of Criminal Justice Planning
ACTION: DENIED

11. REQUEST TO FILE CHARGES CASES
PETITIONS FOR REHEARING CASES - NONE

On September 18, 2001, the Board took the following action presented by Walter Vaughn, Assistant Executive Officer, California State Personnel Board.

VOTE: Alvarado, Elkins, Bos, Carpenter - Aye.

(Request to File Charges)

DEIDRE CYPRIAN, CASE NO. 00-4065

Member of the General Public

Department of Corrections

ACTION: DENIED

12. NON-HEARING CALENDAR

On September 18, 2001, the Board adopted items A-C. These items were presented by Karen Coffee, Chief, Personnel Resources and Innovations Division, California State Personnel Board.

VOTE: Alvarado, Elkins, Bos, Carpenter - Aye.

A. PROGRAM TECHNICIAN

The Department of Personnel Administration proposes to amend the Board item adopted 6/5/01 for the Program Technician classification series to correct the effective date for the resolutions to 7/1/01.

B. GRAPHIC ARTIST

SENIOR GRAPHIC ARTIST

The Department of Personnel Administration proposes to amend the 1/19/00 Printing Trades Board item to abolish the classifications of Graphic Artist and Senior Graphic Artist.

C. ENVIRONMENTAL SPECIALIST SERIES

ENVIRONMENTAL SCIENTIST

STAFF ENVIRONMENTAL SCIENTIST

ENVIRONMENTAL PROGRAM MANAGER I (MANAGERIAL)

ENVIRONMENTAL SPECIALIST II AND III

Proposed re-title and revision of the Environmental Specialist series; proposed adoption of the deep class of Environmental Scientist, Alternate Range Criteria 430 and 12 month probationary periods for the class of Environmental Scientist and Staff Environmental Scientist; proposed establishment of a new class, Environmental Program Manager I (Managerial) with a 12 month probationary period and proposed abolishment of the Environmental Specialist II and III classifications.

13. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY

A. REQUESTS TO ESTABLISH NEW CEA POSITIONS CURRENTLY UNDER CONSIDERATION

(1) ASSISTANT SECRETARY FOR HAZAROUS WASTE AND CLEANUP PROGRAMS

The California Environmental Protection Agency proposes to allocate the above position to the CEA category. The Assistant Secretary formulates, analyzes, revises, interprets and evaluates program policies for the Department of Toxic Substances Control (DTSC); transmits Agency program policy to DTSC; serves as the Agency/department/board/office communication link on program policy matters; coordinates interdepartmental, cross-media activities on critical policy issues; and advises the Secretary, Undersecretary, Deputy Secretaries, and other senior agency staff on significant policy and program matters within Agency jurisdiction. The department indicates that the position is at the third organizational level and will report to the Deputy Secretary for External Affairs.

(2) CHIEF JUDGE, DIVISION OF WORKERS' COMPENSATION

The Department of Industrial Relations proposes to allocate the above position to the CEA bands. The Chief Judge plans, organizes and directs the statewide staff of Workers' Compensation Administrative Law Judges and support staff of the trial level of the Workers' Compensation Appeals Board (Board) in program, policies, and procedures of the Board. The department indicates the position will report to the Administrative Director.

(3) DEPUTY COMMISSIONER, WORKERS' COMPENSATION APPEALS BOARD

(3 POSITIONS)

The Department of Industrial Relations proposes to allocate the above positions to the CEA bands. The 3 allocations to the class of Deputy, Workers' Compensation Appeals Board (Deputy, WCAB), CEA have a strong policy-influencing role within the Department of Industrial Relations (DIR). Incumbents in the class of Deputy, WCAB, proposed for reallocation to the CEA bands, are required to serve as Commissioners, Workers' Compensation Appeals Board (Commissioners, WCAB) when there are vacancies on the Board. While serving in this capacity they must discharge the full duties and responsibilities of Commission members during the time of these vacancies. They also provide

technical guidance to others working within the workers' compensation judicial system, these Deputies, WCAB must also promulgate laws that govern this system. The department indicates that these positions will report to the Chairperson.

ACTION: Noted

A D J O U R N M E N T

SUBMITTED

1. RICHARD C. TOBY, CASE NO. 00-1572P. Appeal from dismissal. Department of Developmental Services. (Oral argument held July 10, 2001).

NO ACTION

2. ROBERT EDWARDS, CASE NO. 00-3080. Appeal from discrimination complaint. Department of Corrections. (Oral argument held August 7, 2001).

NO ACTION

3. PAUL RODRIQUEZ, CASE NO. 00-1580. Appeal from demotion. Department of Corrections. (Oral argument held September 6, 2001).

NO ACTION

NOTICE OF GOVERNMENT CODE § 18671.1 RESOLUTION

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than six months as of the date of the Board meeting.

GOVERNMENT CODE § 18671.1 RESOLUTION

WHEREAS, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

WHEREAS, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

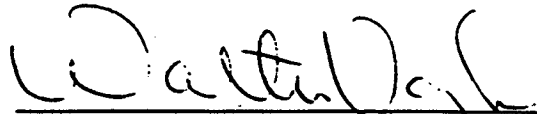
WHEREAS, the Agenda for the instant Board meeting included an item titled "Notice of Government Code § 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

WHEREAS, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

* * * * *

I hereby certify that the State Personnel Board made and adopted the preceding resolution at its meeting on September 18, 2001.



WALTER VAUGHN
Executive Officer
California State Personnel Board

VOTE: Alvarado, Elkins, Bos, Carpenter - Aye.

CORRECTIONS

1. In the Summary Minutes of September 6-7, 2001, under Administrative Law Judges "Proposed Decisions", the ACTION for D. KIRK SANDEEN, CASE NO 00-3024 should have read: Petition for rehearing filed by appellant granted but remanded to the Administrative Law Judge.
2. In the Summary Minutes of September 6-7, 2001, under Withhold Appeals, the ACTION for JOEL EDDINGS, CASE NO. 01-0283, should have read: GRANTED.
3. CSEA resolutions to the Board concerning restoring centralized testing and ending discrimination, retaliation and harassment in State Service. (Hearing held August 7, 2001).

The ACTION for the above hearing was inadvertently omitted from the Summary Minutes of September 6-7, 2001 and should have read as follows:

ACTION: On September 7, 2001, State Personnel Board adopted the following two resolutions.

VOTE: Alvarado, Elkins, Bos, Carpenter, Harrigan - Aye.

RESOLUTION

To End Discrimination, Retaliation and Harassment in State Civil Service

WHEREAS, the California Constitution requires that appointments and promotions in state civil service be made based on merit as ascertained by competitive examination and vest the State Personnel Board with constitutional authority to oversee, administer, and enforce the state civil service system; and

WHEREAS, the civil rights laws of the State of California, including the Unruh Civil Rights Act, the Fair Employment and Housing Act, and the civil rights provisions of the State Personnel Board laws and rules, were enacted to ensure that employment-related decisions affecting civil service personnel

were made based on fairness and merit rather than unlawful discriminatory motives against those in recognized protected categories; and

WHEREAS, the State Personnel Board, because of its constitutional mandate, is uniquely situated to provide a review and enforcement process to safeguard the merit principle by ensuring that employment-related decisions in the state civil service are not made based on unlawful discrimination, retaliation, or harassment; and

WHEREAS, the State Personnel Board, because of its constitutional mandate and its review and enforcement procedures, is uniquely situated to impartially adjudicate claims of unlawful discrimination, retaliation, and harassment, and to fairly and equitably remedy such claims; and

WHEREAS, the fair adjudication of claims, with the award of adequate remedies, are a general and specific deterrent to future acts of unlawful discrimination, retaliation, and harassment; and

WHEREAS, the State Personnel Board appeals process provides state employees a fundamental due process right to ensure that adverse employment actions are based on fairness and merit rather than unlawful discrimination, retaliation, or harassment. Further, the State Personnel Board discrimination appeals process provides both the state and state employees with a viable alternative to

costly litigation and lengthy court and appellate procedures to adjudicate and remedy unlawful discrimination, retaliation, and harassment; and

WHEREAS, the regular review of state procedures for handling claims of discrimination, retaliation, and harassment and the collection of information of claims filed will serve as a deterrent to noncompliance with existing laws, rules, and policies; and

WHEREAS, current state civil service statutes and rules require state agencies and departments to establish and maintain discrimination complaint processes to provide their employees with a way to fairly resolve complaints, and authorize the State Personnel Board to investigate and adjudicate employee appeals of departmental discrimination complaint decisions; and

WHEREAS, these statutes mandate that the State Personnel Board monitor and evaluate the effectiveness, accessibility, and fairness of the state's discrimination complaint process, and report findings to the Legislature; and

WHEREAS, in December 2000, the Joint Labor/Management Committee on Discrimination submitted a report to the State Personnel Board on the state discrimination complaint process and made recommendations to improve the process; and

WHEREAS, the State Personnel Board is fully committed to non-discriminatory employment practices and equal employment opportunity in the state civil service, and to improving state processes for fairly dealing with employee discrimination complaints;

THEREFORE BE IT RESOLVED, that the State Personnel Board appreciates the concern of the Joint Labor/Management Committee on Discrimination and the California State Employees' Association for eliminating employment discrimination and providing fair and equitable treatment for all state employees, and thanks them for their recommendations for improving the state discrimination complaint process; and be it further

RESOLVED, that, as a critical first step, the State Personnel Board complete a comprehensive review of departmental discrimination complaint processes to evaluate their effectiveness, accessibility, and fairness, and report findings and recommendations for improvement at a public hearing in February 2002; and be it further

RESOLVED, that the State Personnel Board is committed to continuing working with the Joint Labor/Management Committee on Discrimination on employment discrimination issues raised in its report, and to seek solutions for eliminating such discrimination; and be it further

RESOLVED, that the State Personnel Board reiterates its support for the recommendations contained in the 1994 Adverse Action Task Force Report, and will continue to seek the resources necessary for their implementation; and be it further

RESOLVED, that the State Personnel Board will continue to monitor adverse actions taken in state service to identify and track any disparate impact against racial/ethnic groups, women, or persons with disabilities, and produce a status report to the five-member Board on a semi-annual basis; and be it further

RESOLVED, that the State Personnel Board strongly supports the legal prohibitions regarding retaliatory and harassing actions against state employees, and by this resolution, notices departments of their obligation to ensure a workplace free of discrimination and retaliatory actions; and be it finally

RESOLVED, that the State Personnel Board strongly supports training programs designed to prevent employment discrimination in state service, and will partner with appropriate state agencies and employee unions to improve training available to state agencies.

RESOLUTION

To Promote Sound Testing Practices

WHEREAS, the California Constitution requires that appointments and promotions in state civil service be made on merit as ascertained by competitive examination; and

WHEREAS, the State Personnel Board is vested with constitutional authority to oversee, administer and enforce the state civil service system; and

WHEREAS, the State Personnel Board strongly supports and advocates the use of fair, objective, merit-based employment testing procedures; and

WHEREAS, the Federal *Uniform Guidelines on Employee Selection Procedures*, as well as professional standards (e.g., *Principles for the Validation and Use of Personnel Selection Procedures*), set forth the requirements for the development and validation of personnel selection procedures; and

WHEREAS, selection procedures that have been developed and validated in accordance with regulatory and professional standards provide for the accurate prediction of job success and merit-based employee selection; and

WHEREAS, selection procedures that have not been properly validated may be ineffective in identifying qualified candidates for civil service employment, may be vulnerable to appeals and costly legal challenges, and may result in indefensible adverse impact against otherwise qualified candidates; and

WHEREAS, the state's civil service system provides for decentralized employment testing by state departments and agencies under the authority and oversight of the State Personnel Board; and

WHEREAS, no comprehensive study or audit has been conducted to assess the objectivity, quality, or efficiency of the current decentralized testing program;

THEREFORE BE IT RESOLVED, that the State Personnel Board supports the validation of all selection procedures, and endorses and supports Senate Bill No. 1161 which requires each department to submit a plan to ensure that employment selection procedures are developed and validated in accordance with professional standards and practices; and be it further

RESOLVED, that the State Personnel Board will continue its oversight responsibilities by providing selection-related training, quality assurance audits, and consultation to departments with decentralized testing authority; and be it further

RESOLVED, that the State Personnel Board will conduct a comprehensive review of the status of the decentralized employment testing within state service; and be it further

RESOLVED, that following the completion of the decentralization review, a public hearing on decentralized testing will be held before this Board in July of 2002, with an opportunity for input and comment by employees, unions, advocates, and departments; and be it finally

RESOLVED, that the State Personnel Board will evaluate the appropriateness and feasibility of adopting or implementing the findings and recommendations identified through the decentralized review and hearing process.